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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,584	10/23/2003	Hideo Sugimori	1344.1126	6740
21171 7590 03/19/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER MANSFIELD, THOMAS L	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 03/19/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/690,584

**Applicant(s)**

SUGIMORI, HIDEO

**Examiner**

THOMAS MANSFIELD

**Art Unit**

3623

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 19 March 2007.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Status of Claims**

1. This First Office action is in reply to the Application filed on 23 October 2003.
2. Claims 1-10 are currently pending and have been examined.

### ***Information Disclosure Statement***

3. The information disclosure statement filed 19 March 2007 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent/non-patent literature listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.
4. The listing of references in the specification is not a proper information disclosure statement (see page 1, third and fourth sentences under "Description of the Related Art"). 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 9 and 10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 9 and 10 are directed to a *"policy distributing program, for executing on a computer"*. Computer programs are not within the four statutory categories. Further, computer programs are functional descriptive material (i.e., computer program) that does not impart functionality when employed as a computer component because the functional descriptive material is not tangibly embodied on a computer-readable medium. (See MPEP 2106.01(I)).

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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9. Claims 1 and 5 recite, "*retrieving a database*" and "*transmitting the...*". The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For examination purposes, "*retrieving a database*" and "*transmitting the...*" will be interpreted as, "*retrieving information*" and, "*storing the...*", respectively. Claims 2-4 depend from claim 1 and therefore contain the same deficiencies.
10. Claim 6 recites the limitation "...or not **the** deletion". There is insufficient antecedent basis for this limitation in the claim. Clarification is required. For examination purposes, the Examiner will interpret the limitation as "*or not a deletion*".

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
- A person shall be entitled to a patent unless –
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
12. Claims 1-5 and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Brinkley et al (Brinkley) (U.S. 5,963,919).

With regard to Claims 1, 7, and 9, Brinkley teaches *an operations management policy distributing method, apparatus, and program comprising* (inventory management system, MISER (Merchandise Inventory Strategy Evaluation Rules) program **250**): (see at least column 2, lines 37-60 and column 3, lines 36-53):

- *upon receiving inventory information specifying an inventory of a system to be managed, retrieving a database* (inventory stocking scenario) *storing operations management policies* (inventory management policy, Who, When, How, and How much) *corresponding to various inventories* (particular inventory item) (see at least column 4, lines 21-36) *and creating a policy list detailing operations management policies suited to the inventories specified by said inventory information* (lists primary characteristics of inventory items suitable for the particular strategy and secondary data required for inventory management) (see at least column 5, line 16 through column 7, line 50).
- *transmitting the created policy list* (Inventory portfolios are generally stored in inventory database **240** as a separate input file) (see at least column 5, lines 62-63).
- *upon receiving selection information indicating the selection of at least one operations management policy from said policy list, retrieving said database* (inventory database **240**) *and acquiring the operations management policy specified by said selection information* (After the input file is properly formatted for MISER program **250**, the user may specify input parameters about how the user wants to use the information in the input file) (see at least column 8, lines 46).
- transmitting the acquired operations management policy (computer 110 runs MISER program **250** to create an output file) (see at least column 8, lines 39-40).

With regard to Claim 2, Brinkley teaches:

- *appropriately storing said inventory information in a database* (Inventory portfolios are generally stored in inventory database **240** as a separate input file) (see at least column 5, lines 62-63)
- extracting a difference between said inventory information and the inventory information stored in said database when said inventory information is received (stratifies the portfolio), wherein said step of creating a policy list, retrieves said database and creates a policy list suited to the inventory specified by said difference (comparing various input parameters of the item to cutoff values) (see at least column 8, lines 47-64).

With regard to Claim 3, Brinkley teaches:

- *appropriately storing in a database usage (usage) frequencies of the operations management policies applied to said system to be managed* (Replenishment-To-Order (Kanban), Warehouse Replenishment (EOQ)) (see at least column 5, line 43 through column 6, line 35).
- *appending the usage frequencies stored in said database to each of the operations management policies detailed in said policy list* ("Other" demand insufficient to cover usage (column 5, line 59), How: Per usage or continuous review) (see at least column 6, line 17).

With regard to Claim 4, Brinkley teaches the number of references (How much), the operating time and the number of applications of each of the operations management policies applied to said system to be managed.

With regard to Claims 5, 8, and 10, Brinkley teaches *an operations management (inventory management system) policy distributing method, apparatus, and program comprising:* (see at least column 2, lines 37-60 and column 3, lines 36-53):

- *upon receiving inventory information specifying an inventory of a system to be managed, retrieving a database (inventory stocking scenario) storing operations management policies (inventory management policy, Who, When, How, and How much) corresponding to various inventories (particular inventory item) (see at least column 4, lines 21-36) and acquiring operations management policies suited to the inventories specified by said inventory information (lists primary characteristics of inventory items suitable for the particular strategy and secondary data required for inventory management) (see at least column 5, line 16 through column 7, line 50).*
- *transmitting the acquired operations management policy (Inventory portfolios are generally stored in inventory database 240 as a separate input file) (see at least column 5, lines 62-63).*

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
14. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brinkley as applied to claims 1-5 and 7-10 above, and further in view of Hoffman et al (Hoffman) (U.S. 7,120,596).



With regard to Claim 6, Brinkley teaches methods above in Claims 1-5 and 7-10. Brinkley does not specifically teach *setting for each operations management policy whether or not the deletion is allowable, wherein said step of acquiring said operations management policy necessarily acquires those operations management policies set as non-deletable policies regardless of their usage frequency*. Hoffman teaches *setting for each operations management policy whether or not the deletion is allowable, wherein said step of acquiring said operations management policy necessarily acquires those operations management policies set as non-deletable policies regardless of their usage frequency* in analogous art of supply chain management for the purposes of, "An access policy needs to define access rights and privileges to protect assets from loss or disclosure by specifying acceptance use guidelines for users, operations staff, and management" (see at least column 70, lines 6-9).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the access policy as taught by Hoffman with the inventory management strategy method of Brinkley. One of ordinary skill in the art would have been motivated to do so for the benefit of a secure and protected database of resources implemented accurately by appropriate persons within management having specific access rights (Hoffman, column 70, lines 6-42).

***Conclusion***

15. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Garg (U.S. 6,009,407) discloses an integrated marketing and operations decisions-making under multi-brand competition.
  - Baseman et al (U.S. Pub. No. 2004/0059627) discloses a method for integrating supply chain and financial management.
  - Bonvik, "Performance Analysis of Manufacturing Systems Under hybrid Control Policies", Department of Electrical Engineering and Computer Science, Massachusetts Institute of Technology, June 1996, discloses hybrids of existing policies that limit the local inventories (like kanban) and policies that provide a global flow of information (like basestock).
  - Smet et al, "Using simulation to evaluate the introduction of a Kanban subsystem within an MRP-controlled manufacturing environment", International Journal of Production Economics, 56-57 (1998) 111-122, discloses a simulation model which allows to study the feasibility and determine the operational parameters (such as number of Kanbans and container size).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./  
Examiner, Art Unit 3623

11 March 2008  
Thomas Mansfield

/Beth Van Doren/  
Primary Examiner, Art Unit 3623